



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

CERTIFIED MAIL

July 14, 2018

**Re: Dovetail Energy, LLC
Notice of Violation (NOV)
NOV
NPDES
Greene County
1IN00305*AD**

Mr. Alex Ringler
Dovetail Energy, LLC
1146 Herr Road
Fairborn, OH 45324

Subject: Notice of Violation

Dear Mr. Ringler:

On July 12, 2018, Ohio EPA, Division of Surface Water (DSW), conducted a reconnaissance inspection of Dovetail Energy, LLC and a review of customer sales records from January through April 2018. The sales records were submitted to Ohio EPA on May 8, 2018, to fulfill a records request. The goal of our inspection and file review was to determine your facility's compliance with the storage and feed rate requirements contained in the terms and conditions of NPDES Permit 1IN00305*AD issued on February 26, 2014, Permit-to-Install (PTI) Number 933544 issued on January 24, 2014, and PTI Number 977482 issued on June 26, 2014.

Violations

Ohio EPA observed the following two violations of Ohio's environmental laws and regulations, Dovetail Energy's permit terms and conditions, and PTI conditions. Ohio EPA DSW recommends you promptly address these violations.

Please pay special attention to the **Violation Description** and **Requested Action** associated with each violation listed below as they describe what exactly is in violation and the requested action to address the violation.

1. **Ohio Revised Code (ORC) 6111.07(A):** No person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term or condition of a permit issued or adopted by the director of environmental protection pursuant to those sections. Each day of violation is a separate offense.

NPDES permit no. 1IN00305*AD, Part II. G: All treatment, storage, transfer, or disposal of sewage sludge and biosolids and the beneficial use of biosolids by the Permittee shall comply with ORC 6111, OAC 3745-40, any further requirements specified in this NPDES permit, and any other actions of the Director that pertain to the treatment, storage, transfer, or disposal of sewage sludge and biosolids and the beneficial use of biosolids by the Permittee.

PTI no. 977482: The accompanying engineering report stated, "The tank side wall height is 18'. With a 2' freeboard, the 16' tank height gives a storage volume of 4,549,742 gallons."

(a) **Violation Description:** During the inspection on July 12, 2018, the biosolids level in the effluent storage tank was 9 inches below the top of the tank wall as shown in the attached. The approved 2 feet of freeboard is not being maintained in the effluent storage tank.

(b) **Requested Action:** Please submit a plan detailing how the biosolids in the effluent storage tank will be managed to maintain the required 2 feet of freeboard.

2. **ORC 6111.07(A):** See above.

NPDES permit no. 1IN00305*AD, Part II. G: See above.

PTI no. 933544: This permit applies to a wastewater disposal system designed to serve an average daily hydraulic flow of no more than 34,550 gallons.

(a) **Violation Description:** The record review indicates that an average of 52,300 gallons per day (GPD) of feedstocks was accepted from January 1, 2018, to April 25, 2018. During an inspection on June 1, 2018, it was communicated that the digester is typically dosed at 45,000 GPD. This flowrate exceeds the average design rate of 34,550 GPD approved in the PTI.

(b) **Requested Action:** Please submit a plan detailing how feedstocks will be managed to comply with the design flowrate.

Conclusion

Please submit the requested plans and provide documentation to Ohio EPA DSW of the actions taken and/or will be taken to resolve the violations cited above **no later than August 17, 2018**. Documentation of steps taken to resolve this (these) violation(s) includes but is not limited to: written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to betsy.vanwormer@epa.ohio.gov. If circumstances delay resolution of violations, Dovetail Energy is requested to contact Ohio EPA DSW to discuss the situation and propose an alternative schedule to resolve the violations in a timely manner.

Failure to comply with Chapter 6111.07 of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Section 6111.09 of the Ohio Revised Code.

Should you have any questions, please contact me at (614) 644-2018 and/or erin.sherer@epa.ohio.gov.

Sincerely,



Erin Sherer
Manager, Permits and Compliance Section
Ohio EPA Division of Surface Water

ec: Betsy VanWormer, DSW, CO
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Andy Ety, ODA, DLEP
Christine Pence, ODA-DLEP
Mike Oberfield, Renergy
Logan Randles, Renergy

Attachment

